IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

C.O.C.P. No. 1180 of 2006.
Date of Decision: November 07, 2006.

Ex.Constable Hukam Singh

....**Petitioner**

through
Mr. Harkesh Manuja, Advocate

Versus

Ved Parkash Verma

...**Respondent**
through
Mr. R.D.Sharma, DAG, Haryana.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

The petitioner filed CWP No.956 of 1995 in which the order dated 3.12.1992 whereby he was discharged from the post of Constable, Commando Force, was challenged. The afore-stated writ petition was allowed by a learned Single Judge of this Court vide judgment dated 24.5.2006 and while quashing the afore-stated order, it was directed that the petitioner shall be deemed to have been appointed on 15.4.1992 and "shall be entitled to all consequential benefits, except pay". It was further directed that he shall also be entitled to refixation of pay on the assumption that he was appointed and joined on 15.4.1992.

Alleging non-compliance of the afore-stated order, this

contempt petition has been filed.

On 11.9.2006, learned State Counsel was asked to get instructions in the matter.

Pursuant thereto, Ved Parkash Verma, IPS, Superintendent of Police, Commando, Haryana, Newal, Karnal, has filed an affidavit. Along with the said affidavit, a copy of the order dated 29.9.2006 has been appended as Annexure R-1 vide which the petitioner has been reinstated in service w.e.f. 15.4.1992. The order also states that he shall be entitled to all consequential benefits except pay. The petitioner has, however, been reinstated subject to the outcome of Letters Patent Appeal which the Authorities have decided to file.

Learned counsel for the petitioner contends and rightly so that all the `consequential benefits', except pay, are also to be granted to the petitioner. Though the aforesaid order recognizes the petitioner's claim for the same, such benefits have actually not been granted to him so far. It is specifically pointed out that during the interregnum, the persons junior to the petitioner, have been promoted to the higher ranks.

On the other hand, learned State counsel contends that for promotion to the higher ranks, the petitioner like others is required to undergo requisite promotional courses.

After hearing learned counsel for the parties and having regard to the fact that the judgment dated 24.5.2006 passed by this Court has been substantially complied with and the respondents have already decided to file an appeal in the matter, this petition is disposed of with a clarification that subject to any order to be passed by the Letters Patent Bench, the respondents shall consider the petitioner's claim regarding fixation of his

seniority and desirability of deputing him to promotional courses, if he is entitled to the same as per his seniority. The further promotions of the petitioner shall obviously depend upon the outcome of the training courses and his service record.

With these observations and clarification, this petition is disposed of.

November 07, 2006. **(SURYA KANT)**
dinesh **JUDGE**